ETHICS AND THE MILITARY PROFESSION

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FOCUS

The first edition of *Ethics and the Military Profession* dealt with the topic, "War and Morality." Discussing such an amorphous issue at the outset was an ambitious but necessary prelude to all future editions. Only to the extent that war is seen as an undesirable, albeit legitimate, moral, human activity can there be credibility for a military profession. In this issue we are concerned with whether or not there is a professional ethic for the military. Implicit in such a discussion is the very essence of the occupation. Is the professional model the correct one, or, as many sociologists report, are we drifting aimlessly towards a more occupational mode? Presently the military is between two modes likely to move in either direction depending on future decisions about benefits and unionization and the military's own introspection in regard to its ethos. Consequently, at the moment the military finds itself in a somewhat molten condition. As we prepare to forge (or be forged into) our future shape we find ourselves in a similar plight to the situation perceived by Alfred De Vigny in post-Napoleonic France:

> When a modern army ceases to be at war, it becomes a kind of constabulary. It feels ashamed and knows neither what it is nor what it is supposed to do . . . . it is a body searching high and low for its soul and unable to find it. (*The Military Condition*, pp. 12-13)

Theorists differ on the proper description of the military professional. Harold Lasswell and Abraham Kaplan (*Power and Society*) describe him as "specializing in the instruments of violence." Samuel P. Huntington (*The Soldier and the State*) elaborates on their usage to identify professionals as "managers of violence," thereby excluding all but officers in the combat arms. Recognizing that Huntington's definition was too narrow in scope, Colonels Bradford and Murphy enlarged the category to include all officers --even those not in the combat arms. But what about warrant officers and career enlisted men? Are they excluded then from the ranks of the professional? One example quoted in Colonel William Hauser's *America's Army in Crisis: A Study in Civil-Military Relations* stresses the professional conduct expected from one of these excluded from the defintion of professional.

> The specialty of the [military] profession inheres not in technical matters only, but in a basic moral requirement relevant to command and obedience. . . . A carpenter ordered to work on wood that will ruin his tools can say no. A tenor called on to attempt consecutive high Cs

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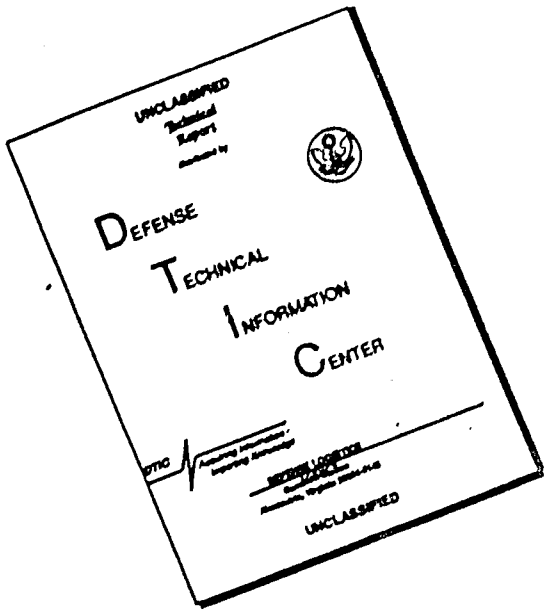

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> in such numbers as to crack his tone thereafter can properly decline. A sergeant told to turn out his men for a patrol that will probably be the last duty for most or all of them must comply.

While definitions differ, most theorists attach the following attributes to a profession:

1. It must be a fulltime and stable occupation.

2. It should be a lifelong calling for its members.

3. The individual members should feel an identity with the occupation.

4. There is a formal theoretical body of knowledge to be transmitted through formal schooling.

5. There is a service (client) orientation.

6. The occupation is granted collective autonomy in recruitment and monitoring standards of performance, because the practitioners have proven their high ethical standards and trustworthiness.

It is the last of these attributes--the nature of the professional ethic--that will be analyzed in this edition. Everett C. Hughes (*Men and Their Work*) states that professions are really different from occupations because of the supposed reason for their autonomy:

> Professionals do other people's unpleasant tasks for them, and salvage the pieces, so that ordinary humans can go on with their lives without guilt and a sense of failure.

A profession then is *eo ipso* an organization with an implicit, if not explicit, moral charge. This charge is particularly evident in the responsibilities incumbent upon the military. The sociologist Sam C. Sarkesian writes: "Professional ethics in the broadest terms are at the base of professional restiveness concerning professional relationship to society, the capability of the military institution and the character of the profession itself." Indeed much of the criticism leveled at the military in recent years has been the result of the gap between the profession's espoused ideals and well-publicized behavior that deviated widely from the ideal. As Horace put it "What can idle laws avail in the absence of morals?" Sarkesian in *The Professional Army Officer in a Changing Society* writes:

> The most important issue is whether or not a system can be devised that can promote ideals that are reflected in the competence of the officer corps. How can a system identify and separate the committed from the conspiratorial ticket-puncher?--The efficient from the mediocre? How can the [gap between the] ideals and the realities be reduced to an absolute minimum? (p. 79)

A recent attempt to bring the ideal closer to reality is an excellent article entitled "A Professional Ethic For the Military?" by General Maxwell D. Taylor. We have reprinted this article *in toto* along with a series of discussion questions prompted by General Taylor's provocative comments. We hope to stimulate dialogue leading to a fresh assessment of professional goals, ambitions, and ethos. As background for General Taylor's essay we have provided a brief study of other existing codes of ethics and statements of principle and an annotated bibliography of the most important work done on professions, professionalization, and military ethics.

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Your enthusiastic response to "War and Morality" was greatly appreciated. Many addressees requested additional copies; a few are still on hand. Contact a member of the Ethics and Professionalism Committee or the Editors, CPT William C. Jeffries and CPT Calvin T. Higgs (4337). We are grateful to those of you who suggested changes or additions to the bibliography. In a subsequent edition we will publish an addendum including those suggested additions for "War and Morality" and "The Professional Ethic." All comments should be forwarded to CPT Jeffries (Department of English). Any additions to the bibliography should include a brief annotation.

FUTURE EVENTS

Some discussion of Ethics and Professionalism will occur at West Point during August, 1978, for newly assigned staff and faculty. The purpose is to provide information concerning current and forecasted efforts to enhance the moral-ethical environment through curriculum changes and overall approaches to education at West Point. Sessions will be held on 3 and 17 August. The first hour on each date will be a presentation by the Ethics and Professionalism Committee, and the second hour will be small group discussions designed to elicit discussion of the concept of a professional ethic. Discussions will follow General Taylor's article and the attendant questions. Sessions will convene in Mahan Auditorium at a time to be announced.

Beginning in August the Department of English will sponsor a series of graduate-level seminars on the teaching of philosophy. These seminars are primarily for the faculty involved with teaching PY 201 but are open to interested staff and faculty. The following persons, all prominent philosophers, are currently slated:

William Barrett	4 August
Paul W. Taylor	10 August
Robert C. Solomon	23 August

All seminars will be conducted at a place and hour to be announced.

Approximately once each month during the academic year additional philosophers will be scheduled to speak. Details will be announced as they become available.

The Fourth Class Military Heritage Course will have a new look this fall with the inclusion of classes on Standards of Professional Behavior. Last year's successful beginning of this program, designed to introduce cadets to the values of the United States Military Academy, included the following lectures: The Profession of Arms, by Colonel Griess; Mission of USMA, by Brigadier General Bagnal; The Concept of Duty, by Brigadier General Scholtes; Honor, by Colonel Capps; The Country's Expectations, by Professor Gurland; You and the Profession of Arms, by Brigadier General Bard; and Capstone Lecture, by General Maxwell D. Taylor. A class discussion of the speaker's comments followed each lecture and was led by the company tactical officer and a member from the academic faculty. That program will be integrated this year with the Military Heritage Course. It is hoped that these lectures and discussions (staffed this year by four officers per company instead of two) will clearly establish the standards and values of the Military Academy and will stimulate Fourth Class cadets to think about the several important issues--none divorced from the others--to which they should direct their attention at the start of their military education. Highly-motivated instructors are encouraged to volunteer to assist in this instruction by notifying their Executive Officers. This duty allows cadets to see tactical officers participating in an academic role and the academic faculty participating in an aspect of professional studies outside the narrow confines of their own academic disciplines. The opportunity for instructor growth is as great as that for the cadets. A total commitment of approximately twenty-five hours will be required from academic officers who volunteer.

FEATURE ARTICLE

"A Professional Ethic For The Military?"
By General Maxwell Taylor, US Army, Retired

As one consequence of the moral uneasiness which has disturbed much of the country in recent years, people and institutions are presently engaged in fact-finding and soul-searching to determine the depth of the national fall from grace, if indeed a fall has occurred. This trend to self-appraisal, which has extended to Congress, universities, corporations and professions, in some cases has resulted in efforts to develop formal codes of conduct to guide individual and group behavior.

Responding to this mood, the military profession, as represented by the officer corps, has felt similar qualms induced to some extent by

instances of officer derelictions in Vietnam and more recently by indications of deterioration in the honor system at West Point. In the latter case, academy authorities, deeply concerned for the reputation of an institution which has prided itself on being a fountainhead of military virtue, have pondered various remedial measures, among them the inclusion of a course of philosophy and ethics in the cadet curriculum.

These reactions in military quarters raise the broader question as to whether the entire profession would not profit from a formalized ethic with its writ running from top to bottom of the officer corps.

My initial reaction to the proposition has been generally negative. In over 40 years of service in the Army, I had never felt that my fellow officers or I had ever suffered from lack of guidance as to how to behave. Those of us who entered the Army by way of West Point were obliged to learn very quickly that a cadet could not lie, steal or cheat and continue in the gray uniform. Also, it soon became apparent to us that cadets who did not obey promptly and who made a practice of flouting regulations and authority generally led unhappy lives. We also learned that in the career we were about to enter duty, honor, country were values regarded in about the same way as in our military monastery.

When commissioned, every second lieutenant, then as now, took an oath "to support and defend the Constitution of the United States against all enemies, foreign and domestic" and to "well and faithfully discharge the duties" of an officer. If he were ever seriously derelict in fulfilling any aspect of this oath, he faced a strong probability of trial by court-martial under the Articles of War (now the Uniform Code of Military Justice).

He had but to glance over their punitive provisions to be reminded of the many penalties to which he might be liable, which dealt with offenses peculiar to the military service--disobedience of orders, breach of good order and discipline, dereliction of duty in any form and conduct unbecoming an officer and gentleman or bringing discredit on the military service in any way. From such a catalog of things he should *not* do, a lieutenant received a pretty clear intimation of many things he *should* do.

As a matter of fact, in those days resort to court-martial was rarely necessary to convince an officer of the need to lead a reputable life or, at least, one relatively free from official trouble. His commanding officer had, and usually performed, the duty of pointing out his defects falling outside the penal code with a persuasiveness reinforced by the possibility of an adverse notation on his official record. In addition to the commander's influence on the side of virtue, the young officer felt the weight of peer opinion in a small military community where evildoing within range of the flagpole could hardly escape notice and comment.

Despite the unstructured nature of this process, it accomplished its purpose well enough to raise doubt in my mind as to the need for greater formalization. However, I fully recognize that times have changed and that new concepts of morality in civil life must be taken into some account in a military society.

In such a period, there may be justification, or even a definite need, to restate in strong and clear terms those principles of conduct which retain an unchallengeable relevance to the necessities of the military profession and to which the officer corps will be expected to conform regardless of behavioral practices elsewhere. Hence my resolve to proceed with this investigation of the need for a professional code.

As I interpret the purpose of such a code, it would be to set forth principles and standards of professional behavior to guide the deportment and development of military leaders. Limited by this specific purpose, the code would not presume to serve as a universal ethic for all men at all times or even for officers in fulfilling obligations unrelated to their profession. It would emphasize certain virtues, not for their intrinsic value for all men, but for their contribution to the formation of officers capable of performing their duties successfully in an environment of conflict.

One might consider prefacing such a code with guidance addressed to young men seeking admission to the officer corps, whether from West Point, the enlisted ranks or civil life.

These officer candidates should be given some appreciation of the role of the armed forces in our democratic society and their importance as the ultimate safeguard of the Constitution, our national institutions and the rights and benefits which we Americans are privileged to enjoy. They need to appreciate how much we have to live for to understand the need for a military profession composed of men ready to spend and expose their lives in defending the national heritage.

Before taking military vows, they should understand that national defense is a permanent necessity in an imperfect world in which resort to violence and armed conflict in the settlement of international contentions is an enduring threat. No matter how peace-loving our country may be, others may force war upon it. Hence the continuing need for ready armed forces to forestall or defeat the threat.

It would be wrong to allow a candidate to enter upon a military career with any illusions as to its demanding nature. He should be warned in advance of the hardships, dangers and separation from family attendant upon wartime service. He should be aware of the constraints imposed by the requirements of military discipline on many cherished privileges of civil life--uninhibited freedom of speech, participation in politics, the accumulation of wealth and its leisurely enjoyment. All these things he must be willing to forego wholly or in part.

But while perceiving the adversities, he should also recognize the many offsetting advantages in military life--the opportunity to exercise command, participation in events of historic significance, the broadening experience of duty in foreign countries, the pleasure of congenial company with men of action sharing a common view of basic values, and the opportunity to grow to full stature with the mounting responsibilities of increasing rank. There is nothing tending inherently to narrowness about the military profession which, contrary to conventional views, respects and rewards independent

thinking and innovative action as qualities essential to professional success. It has no place for mindless or spineless people equally dangerous to the outcome of the mission of a patrol or an army.

Such being the tenor of the indoctrination desirable for an officer candidate, we may turn now to the primary task of outlining an ethic for the officer corps.

We should agree at the outset to take as our ideal the officer successfully performing his duties in the highest test of his profession--leadership of men in combat.

It may be objected that many famous officers have rendered distinguished service to country without having ever engaged in combat. Nonetheless, such officers contribute much to its outcome by their performance of important duties remote from the battlefield. Hence, their standards of competence and reliability should be of the same high quality as those of the troop leader whom we take as our behavioral norm.

What authoritative sources may we consult in deciding the proper content for this code? We can obtain some official guidance from certain passages of the Constitution, from the officers' oath, the military penal code previously cited and the writings of and about great commanders of the past. On rare occasions, decisions of the U.S. Supreme Court may be relevant, as in the case of *Schlesinger vs. Councilman*, 5 February, 1975:

> It is the primary business of armies and navies to fight or to be ready to fight wars should the occasion arise. . . . To prepare for its vital role, the military must insist upon a respect for duty and a discipline without counterpart in civilian life. The laws and traditions governing that discipline have a long history, but they are founded on unique military exigencies as powerful now as in the past. Their contemporary vitality repeatedly has been recognized by Congress.

Supported by such authorities and buttressed by research of military experience and history, I would propose three self-evident propositions to serve as the basis of an officer code:

-- The justification for the existence of the armed forces is their readiness to use military force effectively as directed to defend national interests and to support national policy.

-- The role of the officer corps is to provide competent and reliable leadership for such forces.

-- The duty of the individual officer is to acquire and maintain fitness to serve as a leader able to carry out assigned missions successfully and to use the resources, human and material, placed at his disposition with maximum effectiveness and minimum loss.

In short, "ought" for the military profession means an obligation for the armed forces to be ready to fight; for the officer corps to be ready to lead, for each officer to be ready to do his duty successfully, and for all parties to be trained and disciplined for the reliable performance of duty under the stress and dangers of war. Under this concept, the measure of the quality of the officer is his success in carrying out his mission, despite all obstacles.

He is a good officer professionally to the extent that he succeeds, a bad one to the extent that he fails. His actions are right insofar as they contribute to mission success, wrong if they contribute to failure. While there is a stark simplicity in so defining right and wrong, it has an analogue in the uncompromising distinction between victory and defeat for a profession which, by its nature, offers no consolation prizes for failure.

But how does an officer acquire the personal characteristics which will assure that he becomes a "good" officer always doing the "right" thing? To aid him, our code should include precepts derived in large part from case studies of successful leaders of the past that illuminate the way to the attainment of total fitness--professional, physical, intellectual and moral. It would emphasize the importance of acquiring the look and bearing of a competent leader able to inspire confidence in his followers.

To create that impression, he must demonstrate in his daily work a complete knowledge of his own job and an ability to teach subordinates to do theirs with comparable thoroughness. Recognizing that a military career may be compared to an arduous distance race over rough terrain, he must maintain physical fitness through habits of regular exercise accompanied by moderation in eating, drinking, working and playing.

As an essential counterpart to a sound body, the "good" officer must develop a muscular, disciplined mind equally inured as his body to daily exercise and hard work. While formal schooling will assist his intellectual formation, in the end achievement will depend upon his own efforts carried out in his own time. Fortunately, a military career offers broad fields for an active and inquiring mind, since most of human knowledge has some application to the vast array of activities involved in the avoidance, preparation or conduct of war.

While moral fitness calls for a complex of virtues, in the case of the military man most of its essential requirements can be satisfied by two qualities: reliability and justice. To be reliable, an officer must be professionally competent and self-disciplined. He tells the truth, keeps his word and can be counted on to perform his duty despite obstacles. Similarly, a just officer is of necessity fair as a commander in distributing rewards and punishments. As a matter of loyalty and justice, he will choose his commanders and staff for merit, since to fill key positions with lesser men would be wrong for his troops, their safety and their mission.

In fairness to his men, he must be always concerned for their well-being, since he properly views his rank as a symbol of responsibility, not as a credit card for privileged treatment. He would agree with the saying of

Justice Oliver Wendell Holmes, himself a Civil War veteran, that "the reward of the general is not a bigger tent but command."

An officer with the foregoing qualities should have little difficulty with the ethical dilemmas that reportedly plague the profession today. He could not be guilty of suppressing bad news or submitting inaccurate reports to superiors if only because the quality of their decisions, many of which will affect his unit, will depend on the accuracy of the information he provides. For similar reasons, he will not hesitate to disagree with a superior regarding a decision in process of formation but will give his loyal support once the decision is finally made.

As a senior officer testifying before Congress, he will give candid answers to all questions even if his reply indicates a difference with the official position. But he would deem it disloyal and hence unethical to call a press conference to publicize his divergent views.

Only on the rarest occasions would this ideal officer ever consider disobeying a legal order, a possible exception being one patently impossible to execute. Even then, before disobeying he would remind himself of the possibility of his own fallibility since he might lack information available at the source of the order. Or, it might be that his mission is not expected to gain a local victory--it may be a diversionary attack to distract the enemy from the decisive attack or a delaying action to slow an enemy to gain time.

Leonidas demonstrated at Thermopylae not only that suicidal missions may sometimes be properly assigned but also that their faithful execution may bring greater renown to the vanquished than to the victor. Mission success does not always take the conventional form of victory.

Even if the foregoing attributes and qualities were accepted as the measure of ideal officer, it would still be difficult to synthesize them in a simple ethic expressed in a way to enlist the support of a tough-minded, action-oriented profession to which it is addressed. If too idealistic for practical purposes or unduly virtuous in tone, it would be rejected promptly as empty verbiage. Thus the language of a code would have to achieve a literary mean somewhere between that of the Beatitudes and the Military Code of Justice.

Who would be qualified to formulate the code and then give it official sanction? If limited to one service, the chief of staff or chief of naval operations could formulate and submit it for approval and promulgation by his service secretary. If designed for all services, the Joint Chiefs of Staff and the secretary of defense could exercise analogous functions for the entire officer corps.

In the latter case, it would be interesting to see whether the chiefs could readily obtain tri-service consensus to a common code. While the Judeo-Christian world has joined in accepting the Ten Commandments, the military services, in their pride of individuality, might be more difficult to unite in ethical concert.

Having no such obligation at the moment to obtain agreement from any source and needing some text to serve as a basis for discussion of possibilities, I have set forth below a condensation of the principles illustrated in the behavior of the ideal officer previously depicted. They reduce to six primary obligations which devolve upon any officer who would attain his standards; such an officer owes it to his country, his profession and himself:

-- To dedicate his active life to the military profession and the fulfillment of its role in national security.

-- To strive constantly for self-improvement with the ultimate goal the achievement of total fitness--professional, physical, intellectual and moral--for the duties of an officer in peace and war.

-- To set a model of excellence in the performance of duty capable of evoking the confidence and respect of his comrades of all ranks.

-- To demonstrate in word and deed the possession of the cardinal military virtues of competence, reliability, justice, courage and determination.

-- To make his highest concern the discipline, training and well-being of his men.

-- To conform to the judgment of military experience that the ultimate measure of the professional worth of an officer is his ability to carry out difficult and dangerous tasks successfully at minimal cost in accordance with the decisions of his superiors.

I am sure that critics will find sins of omission, inclusion and expression in this text and that in many cases their objections will be justified. But, for present purpose, if we assume that some such code were adopted, what would be accomplished thereby?

If accepted by the officer corps without reservation, the possibilities for a code are great. In the first place, it would provide a behavioral creed which would unify the military profession in shared respect for common ideals and values. It would afford guidance to the character-formative forces within the military services--the schools for training cadets and officer candidates, commanding officers in their role as censors of the behavior of the officers under their command, and public opinion within the military community. In the case of the service academies, it would serve as a useful postgraduate extension of the character-building process long a part of their mission.

Public knowledge of the existence of the code and of the pledge of the officer corps to uphold its high standards would reassure the nation as to the quality of the leadership of its armed forces. This impression would be strengthened if prompt sanctions were taken--as must be the case--against officers who demonstrably fail to meet its requirements.

A final advantage to be anticipated would be in the relation between the officer corps and its civilian superiors in the chain of command that

extends upward through the service secretaries and the secretary of defense to the President as commander in chief. If one counts all the deputies and assistant secretaries clustered around the principals in this chain, they amount to scores of senior officials, most of whom arrive at the start of a new administration with limited knowledge of their new jobs, little if any understanding of the military establishment and often with a preconceived bias against the military "brass" with whom they are about to associate for the first time.

Upon arrival, they are inclined to be suspicious of their more experienced counterparts in uniform and fearful that the latter may take advantage of them during their novitiate. As a consequence, the first year of an administration is often one of considerable tension in civilian-military relations, to the serious disadvantage of all parties.

One might hope that an officer code would be of some benefit to these officials in indicating what they can expect from their military colleagues. If the latter lived up to the principles which they proclaimed, their example might serve to emphasize to new officials the importance of their own functions and the need for a dedication to duty at least equal to that of their military co-workers.

The responsibilities of these civilian leaders are indeed heavy. They provide policy guidance, direction and supervision for the armed forces at all times. In an international crisis they must weigh the alternative courses of action and, before opting for military force, must determine whether the cause is worth the risk and capable of gaining and retaining public support. If the decision is for war, these are the men who enunciate the war aims, prescribe the overall strategy and set the limits on the resources available for the conduct of war. They are the source, direct or indirect, of all military missions that the armed forces must carry out.

In a perfect world, such men would be guided by the same principles and impelled by the same motives as the military who fight the battles in execution of their orders. There is a strong case for their development of a code of their own or, alternatively, to affiliate themselves in some way with that of the officer corps. It is even possible to conceive of a universal code embracing the entire military establishment in which everyone from President to second lieutenant would join in fealty to a shared concept of duty to country and dedication to its security.

After surveying the many facets of this issue, I conclude that it is worth the effort to undertake the formulation of an officer code, possibly as a first step toward one of wider scope for the entire military establishment. Assuming that the code in final form were freely accepted and faithfully observed, it would proclaim to the world what the military profession stands for and by what standards it accepts judgment.

From *Army* magazine, May, 1978.

FEATURE ARTICLE: DISCUSSION QUESTIONS

1. The author suggests that the proposed code of ethics be limited by specific purpose and thus

> would not presume to serve as a universal ethic for all men at all times or even for officers in fulfilling obligations unrelated to their professions. It would emphasize certain virtues, not for their intrinsic value for all men, but for their contribution to the formation of officers capable of performing their duties successfully in an environment of conflict.

a. Does this proposal suggest a kind of faucet-ethic which one turns on from 0700-1700 and off during other hours?

b. Can one live by more than one set of values and escape the charge of hypocrisy?

2. General Taylor suggests that all persons seeking admission to the officer corps be challenged with the responsibilities inherent in the profession; however, he offers no suggestions as to how we accomplish such a chore. Are those prerequisites he suggests realistic, or are they more an entire course of study than a preface to a code?

3. General Taylor addresses the need not to allow "candidates to enter upon a military career with any illusions as to its demanding nature" and sets forth certain prerequisites for their understanding these requirements. He concludes by stating:

> Such being the tenor of the indoctrination desirable for an officer candidate, we may turn now to the primary task of outlining an ethic for the officer corps.

a. To what extent is "indoctrination" compatible with a mature ethical code?

b. Which would provide a firmer foundation for a professional officer corps: values obtained from "customary" or "reflective" morality?

4. General Taylor takes the "troop leader" as the "behavioral norm" for establishing the proper content of the code. Is this norm the proper one for a profession embracing combat, combat support, and combat service support soldiers?

5. In determining the "ought" of his ethos, General Taylor measures the "quality of the officer" in terms of

his success in carrying out his mission, despite all obstacles. He is a good officer professionally to the extent that he succeeds, a bad one to the extent that he fails. His actions are right insofar as they contribute to mission success, wrong if they contribute to failure.

a. Can we countenance a "right" action which is seemingly utilitarian in perspective?

b. Does not this approach to right and wrong discourage the adoption of Categorical Imperatives or absolute standards of right and wrong?

c. Do not some actions have teleological value?

d. What assurance does the subordinate have that the mission is morally right?

6. The author discusses the inherent problems in wording the code.

a. How, practically, is the code to be stated?

b. Will it be stated as negative proscriptions such as in the decalogue, UCMJ, or the Cadet Honor Code--if so, then which vices should we not exclude?--or as positive ideals such as the Boy Scout code or the Beatitudes--if so, then what virtues should we not include?

c. Is it possible to codify virtues or catalogue vices without sounding either beatific or legalistic?

7. General Taylor sets forth a preliminary model of six obligations devolving upon any officer who would be considered a "professional."

a. Could we add to or delete any of his attributes?

b. Supposing this code were adopted as a professional code of ethics, at what point in an officer's career should he pledge allegiance to the code?

c. One aspect of a profession is that there is a specific body of theoretical knowledge which must be learned prior to receiving the official imprimatur. Are graduates of ROTC, OCS, and West Point well enough versed in this body of theoretical knowledge to take the oath as second lieutenants?

d. Does the oath allow for further professional growth? For example how do we assess our expectations of a general officer's obligation to the oath in comparison to that of a captain?

8. Many officers doubt the merit of ethical discussions or idealistic codes because they believe that standards of value in the military profession are purely theoretical, never enforceable. But the means for enforcing the code of the military professional is available in the efficiency or effectiveness reports periodically rendered on officers. Those reports are the sturdiest tools that the military has for encouraging officers to meet their professional obligations.

a. Is there a need to restructure the profession's hyperbolic reporting system to insure forthright assessments of officer conduct in regard to a code of ethics?

b. How could we insure that the reporting system honestly reflected an officer's allegiance to the code?

9. For the author the identification of worthy standards emerges from a study of "military history and experience"; such standards are empirical and conditional, not idealistic and absolute.

a. What are the moral implications of such a consequential system?

b. Can a system of descriptive ethics provide a logical basis for a normative system?

c. On what basis is an officer to decide which of several actions, all leading to victory, is the "right" action?

d. Under what conditions does pursuit of victory justify an immoral or illegal act?

e. Are the virtues of "reliability" and "justness" sufficient to answer these questions?

10. Following the tradition established in *The Soldier and the State*, General Taylor excludes the noncommissioned officer from his discussion.

a. Will the career noncommissioned officer be required to take the oath? If not, why not?

b. In an all-volunteer, professional army should not all members subscribe to the military ethos?

c. What about the warrant officer? Certainly his role is different from the behavioral norm suggested by General Taylor, but is he not as much a "professional" as the commissioned officer?

d. What are the ramifications devolving upon military schools at all plateaus of military education in terms of curriculum changes necessary to support the ethic?

11. Would such a code be a list of demands or one of expectations for the ideal professional? If demands, they must not be so exalted as to discourage adherence. If they are expectations, do we have the moral right to sanction officers for not being able to attain them? After all, we sanction people for failing to meet minimum standards, not for failing to attain the ideal.

FEATURE FOLLOW-ON

"The Fine Art of Swearing"

The question of the individual's commitment to particular pledges is one enjoying renewed consideration today, especially in those professions which attempt to define specific ethical guidelines for their members. One large professional society includes the following principle in its code: "Every profession has the responsibility to regulate itself, to determine and judge its own members. . . . Every [member] has the dual obligation of making himself a part of a professional society and of serving its rules of ethics."[1] Even if the first claim were true, the assertion of "dual obligation" appears problematic. One might argue that the oath itself is predicated on the belief that the subscriber is a moral agent. The imperative to subscribe to a particular ethical system must exist anterior to the particular code constructed to define acceptable professional practice. In this paper I will examine some of the implications of this assertion in terms of professional ethics. Since most professions make a distinction between oaths sworn by individuals and specific systems of "ethical rules" imposed by the profession, and since the oath is most often seen as the more morally binding upon the individual, I will choose to limit my analysis to the question of professional oaths--especially those of the military officer, the physician, and the lawyer--and the moral imperatives each involves.

Hoping to use the more familiar as a springboard, I turned to *The Officer's Guide* for assistance and was delighted to discover on the first page the opening sentences: "The code of the Army officer is the beacon which guides his course of action. He applies this code as a first essential step in the performance of his official responsibilities."[2] The delight was short-lived, however, for the *Guide*, without offering the reader the code to which it referred, began at once to discuss the code's significance. Then in quick succession discussion turned to the officer's commission, the Uniform Code of Military Justice, the Oath of Office, and certain "published official Codes of Ethical Conduct," which were not

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[1] Jane Clapp, *Professional Ethics and Insignia* (Metuchen: Scarecrow Press, 1974), p. 592.

[2] Crocker, Lawrence P. ed., *The Officer's Guide*, 39th ed. (Harrisburg: Stackpole Books, 1977), p. 1.

presented and to which no further reference was made. By page five the reader is thought to be prepared for the "adaptation" of the code: "The code is a living, virile, adaptable standard which can be applied to the unusual conditions which are being encountered in this era of our national existence, and given specific added goals for all to observe." The ambiguity introduced by the pairing of adaptability with "unusual conditions" and the unusually clear emphasis upon the universal acceptance of specific "goals" tend to undercut the deontological ethic the *Guide* seems to be fighting to retain. The beacon grows dim.

Nor is it completely valid to suggest, as the *Guide* does in a later section, that the code of the individual officer *must* match that prescribed for the Corps of Cadets (Duty, Honor, Country). Certainly this code is admirable, but is the individual officer under any moral or legal obligation to accept this specific code as his own? Perhaps not. What if one were to subscribe to a compatible, perhaps *more* prescriptive, code, one not identical to that of the Corps of Cadets?

Let us return to the Oath of Office in an attempt to discover the officer's commitment. The *Guide* provides a picture of the form upon which the oath is contained:

> I, _____ _____ having been appointed an officer in the Army of the United States, as indicated above in the grade of _____ do solemly [sic] swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter; SO HELP ME GOD.[3]

This oath represents a direct verbal and written commitment on the part of each officer. Specifically it entails four propositions or predicates:

(1) that one will support and defend the Constitution;

(2) that one will bear true faith and allegiance to the Constitution;

(3) that the obligation is taken freely, without reservation or evasion; and

(4) that one will discharge the duties of the appointed office.

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[3]Crocker, p. 4.

In this schema, however, a great deal of the moral content of the oath is excluded. Besides the preamble, where the individual identifies himself and claims the oath as his own, this oath contains four elements found in most oaths; first, the axiom or basic principle upon which the oath is grounded; next, ethical corollaries which insure the proper application of the axiom; third, disclaimers of coercion; lastly, validation.

The basic principle, which functions as an *a priori* good, is the validity of the Constitution. The central pledge, on which the others depend, is the support and defense of this document. The pledge of "faith and allegiance" is axiomatic, but it does nothing more than specify types of support. The nature of this element of the oath might operate against the possibility of adaptability. Proposition four, that dealing with the discharge of duties, is an ethical corollary. It does not form the basis for a coherent ethical system; rather it assumes the system and applies the moral principle in a specific way. These first two elements of the oath are, strictly speaking, ethical in nature; the last two are psychological.

The third proposition of the oath contains the disclaimer of coercion. The statements concerning reservation and evasion are part of validation, if they are not totally irrelevant. The argument against relevance can be made especially in the case of evasion which, as I argued earlier, is not in any practical sense a live issue. Consideration of the case of "reservation" is more complex. Here the psychological component is most telling. If by "reservation" one means doubts concerning the *application* of the basic premise while the premise itself is accepted, denial of the possibility of this type of reservation disallows positive change within the system. If "reservation" entails doubt of the basic premise by which the profession itself is defined, the individual either would have already rejected the profession making the pledge unnecessary, would not have realized his doubt making the pledge meaningless, or would be intentionally entering a profession whose essential premise he rejects. Since he has already pledged himself to the rejected system, this would no longer be reservation but evasion.

The difference between these psychological components has to do with the way in which each ties the oath to the social context. The disclaimer of coercion grounds the oath through the society at large, giving societal members certain assurances; whereas, the validation serves to create a more formal obligation on the part of the individual. It might be argued that the individual's "do solemnly swear" already obligates him to the oath. The question then becomes, why attach "SO HELP ME GOD"? Why capital letters? The phrase is double edged: first, it functions psychologically, as I have argued, but it also is an attempt to ground the entire ethical system upon an absolute. This attempt, if indeed this is such an attempt, is rather weak, for the phrase is used merely to verify the oath. There is nothing in the oath itself which logically links God at the conclusion with the Constitution to which the officer has sworn.

Such an appeal for higher validation forms the opening of the Hippocratic oath, to which many physicians still swear. The oath as it generally appears today is as follows:

I swear by Apollo, the Physician, and Aesculapius and all-heal and all the Gods and Goddesses that, according to my ability and judgment, I will keep this oath and stipulation:

To reckon him who taught me this art equally dear to me as my parents, to share my substance with him and relieve his necessities if required: to regard his offspring as on the same footing with my own brothers, and to teach them this art if they should wish to learn it, without fee or stipulation, and that by precept, lecture and every other mode of instruction, I will impart a knowledge of the art to my own sons and to those of my teachers, and to disciples bound by a stipulation and oath, according to the law of medicine, but to none others.

I will follow that method of treatment which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. I will give no deadly medicine to anyone if asked, nor suggest any such counsel; furthermore, I will not give to a woman an instrument to produce abortion.

With Purity and Holiness I will pass my life and practice my art. I will not cut a person who is suffering with a stone, but will leave this to be done by practitioners of this work. Into whatever houses I enter I will go into them for the benefit of the sick and will abstain from every voluntary act of mischief and corruption; and further from seduction of females or males, bond or free.

Whatever, in connection with my professional practice, or not in connection with it, I may see or hear in the lives of men which ought not to be spoken abroad I will not divulge, as reckoning that all such should be kept secret.

While I continue to keep this oath unviolated may it be granted to me to enjoy life and the practice of the art, respected by all men at all times but should I trespass and violate this oath, may the reverse be my lot.[4]

Like the Oath of Office, this oath seems to be comprised of the same four elements.

The first paragraph of this oath contains three parts: a validation, a knowledge proviso, and the first element of the formal oath. The validation is made by calling the gods to witness. The gods most often associated with the medical practice are specifically named. A similar validation appears in the concluding paragraph. In this latter case, however, the appeal is made to fate rather than particular supernatural agents. The oath also ends with a curse upon the head of the individual if he does not keep his promise. Here is an early forerunner of the capitalized conclusion of the earlier oath.

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[4]Clapp, pp. 565-566.

The knowledge disclaimer is in many ways more interesting. This is not a formal element of an oath but a statement concerning the individual's position relative to the oath itself. The phrase, "according to my ability and judgment," which appears twice, tends to safeguard the individual against the full force of the oath. This range of tolerance is an interesting feature because it has dropped out of most modern oaths. Nowhere in the officer's oath could the individual attach such a proviso. If any tolerance exists, it exists in the interpretation of the oath itself by the members of society. This range, therefore, must be sought in considerations of what the oath means by "true faith," "allegiance," and so forth. Curiously, the relationship of the individual and the oath has reversed: whereas the Hippocratic oath outlines very concrete and specific promises for a spokesman capable of error, the modern oath expects impersonal, absolute responses to the terms of an adaptable code.

The final statement of the preamble, with which the body of the oath is introduced, is another of those practically meaningless statements, several of which have already been mentioned. Here the individual swears to keep his oath. The assumption behind the statement is that the individual will be morally obligated to keep his promise, but this is the same assumption which supplies the ground for the other promises. The statement here seems to act as an unnecessary intermediate step. In fact, the necessity of the individual to swear to keep the oath he is about to swear and the curse with which the oath concludes seem to cast doubt upon the individual's ability to fulfill his promises. The psychological impact of such suspicion on the individual would be difficult to analyze, but it is significant that such prejudice obtains even before the individual has had the chance to act upon his pledge.

The body of the oath consists of axiomatic and corollary ethical statements. The basic principle, although not specifically stated, is alluded to in the axiomatic reference to "Purity and Holiness" in paragraph four. The principle around which the corollaries of the oath revolve is respect for human life.

This basic axiom has also been seen in the Hippocratic oath by the World Health Association to whose "Declaration of Geneva," a modern restatement of the oath, many physicians pledge:

> I solemnly pledge myself to consecrate my life to the service of humanity.
> I will give to my teachers the respect and gratitude which is their due;
> I will practice my profession with conscience and dignity;
> The health of my patient will be my first consideration;
> I will respect the secrets which are confided in me;
> I will maintain by all the means in my power, the honor and the noble traditions of the medical profession;
> My colleagues will be my brothers;

I will not permit considerations of religion, nationality, race, party politics or social standing to intervene between my duty and my patient.

I will maintain the utmost respect for human life, from the time of conception; even under threat, I will not use my medical knowledge contrary to the laws of humanity.

I make these promises solemnly, freely and upon my honor.[5]

A number of changes have taken place.

First, a great deal has been dropped. There is no appeal to the gods or fate. There is no longer a commitment to teach one's sons or the sons of one's teachers. The knowledge proviso has dropped away. There is less emphasis placed upon conduct other than professional.

Axiomatic statements abound. The central principle seems to be that stated in paragraph one: "the service of humanity." Paragraph nine, with which the ethical portion of the oath closes, is a restatement of this in terms of practice. The abrogation of concern for consequences here is entirely consistent with the other axiomatic concepts appearing in the code: for example, "conscience and dignity" (para. 3); "duty" (para. 8). Indeed, this latter paragraph contains an even stronger clue to the appeal to absolutes being made. The physician is not to be swayed from the path of duty by "religion, nationality, race, party politics or social standing." All relativistic considerations are severely handicapped.

The astute observer may have noticed that I did not include "honor" in the list of ethical axioms above. Certainly honor is being claimed *a priori* as axiomatic in terms of the individual's relationship with the oath itself, but it is not being used as a basis for the professional system as a whole. Rather it functions as validation. The oath itself has eschewed religion and national allegiance and must now rely, if it feels validation necessary, on rather Kantian moral imperatives. Here honor is singled out. Notice its terminal position.

The disclaimer of coercion also appears more clearly in this restatement. Its function in the Hippocratic oath was subsumed in validation probably because of the weakening effect that concern for the gods and fate would have on avowals of freedom.

The legal profession also has a national and an international component, although only the national agency, the American Bar Association, offers an oath. Although the specific oath may vary from state to state, the A.B.A. champions the following model based upon that of the State of Washington:

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[5]Clapp, p. 570.

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of _____;

I will maintain the respect due to Courts of Justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.[6]

The oath seems much more geared toward practice.

As in the "Declaration of Geneva," the basic principle appears in the first paragraph. Pledging support of two constitutions might raise some interesting moral problems in cases of conflicting requirements. Nor is it so obvious that the Constitution of the United States would *necessarily* supercede the state constitution in determining the moral obligation imposed by the oath upon the lawyer. What of lawyers involved in cases which attempt to resolve such conflicts? Does the possibility of such a conflict suggest a higher standard yet? Perhaps, but there is no logically imperative higher standard presented in the oath itself. What about "truth and honor" (para. 4)? No. These are axiomatic principles which have fallen into a very narrow *a posteriori* application involving choices between already existing possibilities. What about "God" (para. 7)? No. This is the familiar validation, in its familiar position.

Does the possibility of a situation in which the moral imperatives are not demonstrable weaken the oath? If no, how many situations are we willing to throw to the devices of the individual himself? If he can be trusted to fill the gaps and if it is his moral sense upon which we gamble the success of the oath, given a system of law to which he is legally bound, why compel the individual to swear the oath at all? How valid is the oath--we might even ask, how free--if failure to comply is punishable by appeals to imposed legislation? If this line of reasoning appears too firmly based on teleological considerations, then the game is nearly won, for an appeal to a deontological ethic, which assumes *a priori* moral

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[6]Clapp, pp. 411-412.

principles, negates the necessity of the oath. If the man is moral, the "I will" of the oath is merely a statement of fact. If the man is immoral, he will not feel bound by it. Either way the oath loses its moral impetus.

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Parsons, Talcott. "Professions." *International Encyclopedia of the Social Sciences.* 17 vols., ed. Daniel L. Shils. New York: Macmillan, 1968. XII, 536-547. Parsons presents a lucid account of the nature and place of professions in American society. A bibliography of the more important studies of professionalism is appended.

Thayer, Frederick C. "Professionalism: The Hard Choice." In *National Security and American Society: Theory, Process, and Policy*, ed. Frank Trager and Philip S. Kronenberg. Lawrence: Univ. of Kansas Press, 1973. 568.

Wilensky, Harold L. "The Professionalization of Everyone?" *American Journal of Sociology*, 70 (September 1964), 137-158. The author argues against the apparent desire for the proliferation of professional status among occupations. Instead of "new" professional criteria such as licensing, certification, and increasing specialization, Wilensky emphasizes more traditional aspects of the professional model: autonomous expertise and the service ideal. Data is obtained from an empirical study of occupations and professions. A chart (p. 143) demonstrating "The Process of Professionalization" shows eighteen established, marginal, new, and doubtful "professions"--and interestingly does not include the military--and dates of the establishment of schools, ethical codes, professional associations, and licensing laws.